

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X)	
GRANITE STATE INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	Civil Action No.: 09 CV 10607 (RJH) (DCF)
-against-)	ECF Case
)	
CLEARWATER INSURANCE COMPANY,)	NOTICE OF CROSS-MOTION
f/k/a ODYSSEY REINSURANCE)	
CORPORATION, f/k/a SKANDIA)	
AMERICA REINSURANCE)	
CORPORATION,)	
)	
Defendant.)	
-----X)	

NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that the Defendant Clearwater Insurance Company (f/k/a Odyssey Reinsurance Corporation and Skandia America Reinsurance Corporation) (“Clearwater”), by its and through its attorneys, Clyde & Co US LLP, hereby moves this Court at the United States Courthouse, Courtroom 17B, 500 Pearl Street, New York, New York 10007, before the Honorable Richard J. Holwell, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure: (1) granting Clearwater’s Cross-Motion for Summary Judgment against Plaintiff Granite State Insurance Company (“Granite State”); and (2) dismissing Granite State’s claims against Clearwater in their entirety and with prejudice.

This motion is based upon Clearwater’s Memorandum of Law in Support of its Cross-Motion for Summary Judgment dated July 15, 2011 and Rule 56.1 Statement of Undisputed Material Facts; the Declaration of Richard S. Pluth dated July 8, 2011 and the exhibits attached thereto; the Declaration of Theresa A. Chavez dated July 11, 2011 and the exhibits attached

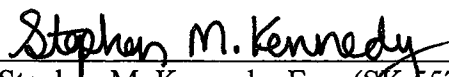
thereto; and the Declaration of Stephen M. Kennedy, Esq. dated July 15, 2011 and the exhibits attached thereto.

Pursuant to the Court's Scheduling Order of May 27, 2011, opposition and reply papers, if any, are to be filed by August 11, 2011. Reply papers, if any, are to be filed by August 25, 2011.

Dated: July 15, 2011
New York, New York

Respectfully submitted,

CLYDE & CO US LLP


Stephen M. Kennedy, Esq. (SK 5572)
The Chrysler Building
405 Lexington Avenue
New York, New York 10174
(212) 710-3900
Attorneys for Defendant,
Clearwater Insurance Company

To: Stuart Cotton, Esq.
Robert Wilder, Esq.
Matthew Lasky, Esq.
Mound Cotton Wollan & Greengrass
One Battery Park Plaza
New York, New York 10004
(212) 804-4200
Attorneys for Plaintiff Granite State